

May 7, 1979

LB 387

Carsten is ready that would be just as well to do it while we are at this point. The Chair recognizes Senator Carsten on the return motion on LB 387.

CLERK: Mr. President, Senator Carsten moves to return LB 387 to Select File for a specific amendment.

PRESIDENT: Chair recognizes Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature. I also, like Senator Fowler, apologize at this late date to bring this back. This situation is arising in the state whereby a recall procedure for the recall of the majority of a village or city board would come to pass there is no provision in our statutes for a special election to fill the vacancies created thereby. It was brought to my attention by the League of Municipalities, and these amendments together with some other clarifying amendments that pertain to the bill need to be put on, or should be put on, Mr. President. I would encourage the body to support me in bringing this back to include these amendments. I so move.

PRESIDENT: All right, is there any further discussion on the Carsten motion to return LB 387? If not, all those in favor of returning 387 for this specific amendment vote aye, opposed vote nay. Record the vote.

CLERK: 34 ayes, no nays on the motion to return, Mr. President.

PRESIDENT: Motion carries, the bill is returned. The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Now Mr. President, the main part of the amendments are this, in Section 34-4, 152 is a section of law which outlines the procedures for filling vacancies in city and village offices. In order to fill a vacancy, Section 34-4, 152 states that a majority of the board or council vote in favor of a qualified elector to fill a vacancy. It does not state that the procedure to be followed, if there is a vacancy, in the offices of a majority of the board of a city council or village board. The amendment alleviates this problem by providing that if there is a vacancy in the offices of a majority of the members of the city council or the village board there shall be a special municipal election conducted by the Secretary of State to fill such vacancies. The rest of the amendments are purely technical and put the bill into correct form. I move for the adoption of these amendments, Mr. President.